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HOUSE BILL 970

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO PUBLIC RECORDS; PROVIDING FOR CONFIDENTIALITY OF A
VICTIM S IDENTIFICATION INFORMATION TO PREVENT ABUSE; AMENDING
A SECTION OF THE INSPECTION OF PUBLIC RECORDS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 14-2-1 NMSA 1978 (being Laws 1947,
Chapter 130, Section 1, as amended) is amended to read:

"14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--

A. Every person has a right to inspect [any] public
records of this state except:

(1) records pertaining to physical or mental
examinations and medical treatment of persons confined to [any]
an institution;

(2) letters of reference concerning
employment, licensing or permits;

underscored material = new
[bracketed material] = delete

1 (3) letters or memorandums ~~[which]~~ that are
2 matters of opinion in personnel files or students' cumulative
3 files;

4 (4) law enforcement records that reveal
5 confidential sources, methods, information or individuals
6 accused but not charged with a crime. Law enforcement records
7 include evidence in any form received or compiled in connection
8 with ~~[any]~~ a criminal investigation or prosecution by ~~[any]~~ a
9 law enforcement or prosecuting agency, including inactive
10 matters or closed investigations to the extent that they
11 contain the information listed above;

12 (5) information in a law enforcement record
13 that reveals confidential information about a victim or alleged
14 victim of a crime, including the victim's or alleged victim's
15 date of birth, social security number, address, telephone
16 number, location or other confidential information, which
17 information shall be redacted before disclosure to the public;
18 provided that the victim's or alleged victim's name shall not
19 be redacted except by court order;

20 ~~[(5)]~~ (6) as provided by the Confidential
21 Materials Act;

22 ~~[(6)]~~ (7) trade secrets, attorney-client
23 privileged information and long-range or strategic business
24 plans of public hospitals discussed in a properly closed
25 meeting;

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underscored material = new
[bracketed material] = delete

1 [~~(7)~~] (8) public records containing the
2 identity of or identifying information relating to an applicant
3 or nominee for the position of president of a public
4 institution of higher education; and

5 [~~(8)~~] (9) as otherwise provided by law.

6 B. At least twenty-one days before the date of the
7 meeting of the governing board of a public institution of
8 higher education at which final action is taken on selection of
9 the person for the position of president of the institution,
10 the governing board shall give public notice of the names of
11 the finalists being considered for the position. The board
12 shall consider in the final selection process at least five
13 finalists. The required notice shall be given by publication
14 in a newspaper of statewide circulation and in a newspaper of
15 county-wide circulation in the county in which the institution
16 is located. Publication shall be made once and shall occur at
17 least twenty-one days and not more than thirty days before the
18 described meeting.

19 C. Postponement of a meeting described in
20 Subsection B of this section for which notice has been given
21 does not relieve the governing body from the requirement of
22 giving notice of a rescheduled meeting in accordance with the
23 provisions of Subsection B of this section.

24 D. Action taken by a governing body without
25 compliance with the notice requirements of Subsections B and C

underscoring material = new
~~[bracketed material] = delete~~

1 of this section is void.

2 E. Nothing in Subsections B through D of this
3 section prohibits a governing body from identifying or
4 otherwise disclosing the information described in this
5 section. "

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